

SPECIAL CIVIL APPLICATION NO. 5369 OF 1990

Date of decision: 19-4-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J
(19-4-1996)

Mr. G.M. Amin for the petitioner.
M/s. Trivedi & Gupta for the respondent

ORAL JUDGMENT:

Heard the learned counsel for the parties.
Learned counsel for the respondent does not dispute

that the Corporation had taken taken from the petitioner the work of tube well operator from the date of his appointment to till 9th July, 1990 and as such he is entitled to the difference in salary of chowkidar and tube well operator. In para 23(D) of the writ petition the petitioner has prayed only for this relief only.

2. In view of the statement made by the learned counsel for the respondent, this writ petition is partly allowed. The prayer made in para 23(D) of the writ petition is granted. Respondent is directed to calculate the difference in salary to be paid to the petitioner for the period from 13-8-1981 to 9-7-1990 within a period of one month from the date of receipt of certified copy of this judgment, and the payment thereof shall be made to the petitioner within one month thereafter. A low paid employee has been dragged into litigation for the relief which should have been granted by the Corporation on its own, and as such the petitioner should be reasonably compensated for the cost incurred by him for filing the litigation. The respondent is directed to pay to the petitioner Rs.1,000/- (Rupees one thousand) by way of cost of this writ petition. Rule made absolute accordingly.